

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No.: 1:20-CV-182**

JENNIFER LONGO,

Plaintiff,

v.

**ELIZABETH ASPINWALL,
Individually and in her official capacity
as an employee of Western Carolina
University, and WESTERN CAROLINA
UNIVERSITY,**

Defendants.

**RESPONSE TO DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

NOW COMES Plaintiff, pursuant to Federal Rules of Civil Procedure 12(b)(1), (2), and (6), and respectfully move the Court deny Defendants' Motion to Dismiss Plaintiff's Amended Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction, failure to state a claim upon which relief can be granted, and sovereign immunity. For the reasons set forth more fully in Plaintiff's Memorandum of Law in Support of this Motion, Plaintiff respectfully moves that the Court deny Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

Respectfully submitted this the 12th of February, 2021.

/s/Brad H. Ferguson
Brad H. Ferguson
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to Zach Padget, zpadget@ncdoj.gov.

Zach Padget
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602

This the 12th day of February, 2021.

/s/ Brad H. Ferguson
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